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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Dominik J. Schmidt

4596

21906

7590

05/09/2006

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EXAMINER

DOAN, KIET M

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/690,265	Applicant(s) SCHMIDT, DOMINIK J.	
	Examiner Kiet Doan	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) 1-4 and 6-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05/20/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This office action is response to Remarks file on 02/13/2006.

Claims 1- 4, 6-16 are amended.

Claim 5 is cancel.

Amended claims 4, 11 and 15 have been overcome the rejection under 35 USC § 112. Therefore, examiners withdraw Claims 4, 11 and 15 rejections.

Response to Arguments

Applicant's arguments filed 02/13/2006 have been fully considered but they are not persuasive, a new ground(s) of rejection is made in view of Croome et al. and Raffel et al.

In response to applicant's argument that reference **fail to teach or suggest** determining a desired level of service; and dynamically adjusting a number of time slots assigned to the medium during the transmission to remain within limits of said desired level of service.

Examiner respectfully disagrees, in Raffel et al. (Patent No. 6,611,692) teaches determining a desired level of service; and dynamically adjusting a number of time slots assigned to the medium during the transmission to remain within limits of said desired level of service (C9, L61-67, C10, L1-20 teach cordless base station transmit time frame and different service such as time slot 1 transmit digital control channel and time slot 2-3, 5-6 transmits voice and data and time slot 4 for mobile synchronize with base station which means as desired level of service and number of time slots transmits within limits of said desired level of service).

Therefore, examiner interpreted determining a desired level of service; and dynamically adjusting a number of time slots assigned to the medium during the transmission to remain within limits of said desired level of service as broadest reasonable interpretation and it is proper.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-3, 6-10 and 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Croome et al. (Pub. No. 2004/0014423) in view of Raffel et al. (Patent No. 6,611,692).

Consider **claim 1**, Croome teaches a method for securing a wireless communication medium using a Subscriber Identity Module (SIM) card, comprising: determining a SIM card insertion and if so accessing SIM data and transmitting the SIM data to a base station for comparison with a local copy of an authorized user data file; granting mobile unit access to the base station If the comparison is indicative of a match and otherwise indicating an access failure (Page 1, Paragraphs [0005-0009], teach SIM card which install in mobile phone and authorization for grant access when pin are matching); and. Croome teaches the limitation of claim as discuss **but silent on**

If the mobile unit access is grant, determining a desired level of service; and dynamically adjusting a number of time slots assigned to the medium during the transmission to remain within limits of said desired level of service.

In an analogous art, Raffel teaches "Cordless cellular system". Further, **Raffel teaches** If the mobile unit access is grant, determining a desired level of service; and dynamically adjusting a number of time slots assigned to the medium during the transmission to remain within limits of said desired level of service (C9, L61-67, C10, L1-20 teach cordless base station transmit time frame and different service such as time slot 1 transmit digital control channel and time slot 2-3, 5-6 transmits voice and data and time slot 4 for mobile synchronize with base station which means as desired level of service and number of time slots transmits within limits of said desired level of service).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Croome, and Raffel system, such that transmitting the SIM data to a base station for comparison with a local copy of an authorized user data file and determining a desired level of service and number of time slots assigned to the medium during the transmission to remain within limits of said desired level of service, to provide means for the security when the users access base station and the available service time slots during transmission.

Consider **claims 2-3, 9-10 and 13-14**, Croome teaches the method of claim 1, wherein the wireless communication medium conforms to an 802.11/Bluetooth specification (Paragraphs [0003-0004], [0034]).

Consider **claim 6**, Raffel teaches the method of claim 1, wherein the dynamic adjusting comprises: determining available time-slot resources; detecting the wireless communication medium that fails to meet said desired level of service; allocating the wireless communication medium to a configuration having additional time slots; and transmitting a channel assignment message including information on the allocated configuration with the additional time slots (C9, L1-24, C10, L21-63).

Consider **claim 7**, Raffel teaches the method of claim 6, further comprising instructing transceivers to communicate only in their newly allocated time-slots (C9, L1-24, C10, L21-63).

Consider **claims 8 and 12**, Croome teaches a method for data transmission over first and second media that overlap in frequency, comprising: securing access using a SIM card (Page 8, Paragraph [0075]); selecting one of the first and second wireless media as a common wireless medium; routing/instructing transceivers for the first and second media to communicate only through the common wireless medium (Page 8, Paragraphs [0070-0075], Fig.1A, No.1104 and No.104 Illustrate as first and second media which including transceivers communicate only through the common wireless medium as No.1002).

2. Claims 4, 11, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croome et al. (Pub. No. 2004/0014423) in view of Raffel et al. (Patent No. 6,611,692) and further view of Melaku et al. (Pub. No. 2003/0144793).

Consider **claims 4, 11 and 15**, Croome and Raffel teach the limitation of claims as discuss above **but silent on** the method of claim 1, wherein the wireless communication medium operates 2.4 gigahertz.

In an analogous art, Melaku teaches "Wireless personalized self-service network". Further, Melaku teaches the method of claim 1, wherein the medium is at approximately 2.4 gigahertz. (Paragraphs [0039], [0045]).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Croome, Raffel and Melaku system, such that the wireless communication medium operates 2.4 gigahertz, to provide means for capable of operate in short range or local area communication.

Consider **claim 16**, Melaku teaches the method of claim 12, wherein a packet is initially transmitted at the highest rate supported by both wireless media (Paragraphs [0040-0041]).

Consider **claim 17**, Melaku teaches the method of claim 16, further comprising retrying the packet at the next lower rate if the packet is not successfully acknowledged (Paragraphs [0039-0041]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Takagi et al. (Patent No. 6,690,950) teach limitation of claims 1, 8, 12 (Abstract, C5, L25-67, C6, L1-15, Fig.1 and Fig.2 description).

2. Astrin (Patent No. 6,026,082) teach limitation of claims 1-4, 6-17 (Abstract, C3, L25-60, C4, L6-15, Fig.1 and Fig.2 description).

3. Hill et al. (Patent No. 6,636,737) teach limitation of claims 1-4, 6-17 (Abstract, Fig.1 and description).

4. Shiotsu et al. (Patent No. 6,993,358) teach limitation of claims 1, 6, 8, 12 (C6, L4-64, C10, L21-55, Fig.1, 4-6 and description).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kiet Doan
Patent Examiner


GEORGE ENG
SUPERVISORY PATENT EXAMINER